

February 14, 1951.
Passed on File.

House File 418
By JUDICIARY II.

Passed House, Date
Vote: Ayes..... Nays.....
Passed Senate, Date
Vote: Ayes..... Nays.....
Approved

A BILL FOR

An Act relating to bonds of cities or towns for street improve-
ments and their payment from the street construction fund
and to amend section three hundred ninety-six point twenty-
two (396.22), Code 1950.

Be It Enacted by the General Assembly of the State of Iowa:

- 1 Section 1. Section three hundred ninety-six point twenty-
- 2 two (396.22), Code 1950, is amended by striking from the next to
- 3 the last line of said section the figures, “324.63” and inserting
- 4 in lieu thereof the figures “308A.6”.

EXPLANATION OF H. F. 418

When the 51st General Assembly added one cent per gallon to the gasoline tax it provided that three-fifths of this extra tax should go to the secondary road construction fund and two-fifths should go to a Street Construction Fund, which was created by the Act, in each city and town in the state. This Act became a part of Section 324.63 of the Code 1946.

The 52d General Assembly enacted by Chapter 210 what is now the last paragraph of Section 396.22 of the Code providing that when any bonds were issued for street improvements they could pledge the future avails of money coming to the Street Construction Fund as set up in Section 324.63, Code 1946.

The 53d General Assembly by Chapter 122 enacted what is now Chapter 308A. In this Act it repealed all of Section 324.63 of the Code 1946 (including the Street Construction Fund created therein) and provided that all the gasoline tax should go to the Road Use Tax Fund which was there created (§324.63, Code 1950). From the road use tax fund it was allocated to various places one of which was a new Street Construction Fund created in this new Act, which is now Section 308A.6. This left Section 396.22 making reference to a Street Construction Fund in Section 324.63, Code 1950, which no longer existed in that section. However since a new Street Construction Fund was created by the same Act it is probable that the Legislature intended that the fund formerly created and referred to in Section 396.22 would be absorbed by the new fund created. If this is true the reference in Section 396.22 to Section 324.63 where the fund does not now exist should be changed to the new section where the fund now exists, to wit 308A.6.